

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
~~EASTERN~~ DIVISION
ABERDEEN

FILED

JUN 24 2014

DAVID CREWS, CLERK
BY [Signature] Deputy
PLAINTIFF

WILLIE MAE HALL

VERSUS

CIVIL ACTION NO. 1:14CV108-DMB-DAS

ROBERT L. NUNEZ, M.D.,
B.L. SULLIVAN, M.D.,
WINSTON COUNTY FAMILY MEDICAL CLINIC,
WINSTON COUNTY HOSPITAL, AND
UNITED STATES OF AMERICA

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Willie Mae Hall, by and through her attorneys of record,
and files her Complaint herein alleging the following:

PARTIES

1. The Plaintiff Willie Mae Hall is an adult resident citizen of Winston County, Mississippi.

2. The Defendant Robert L. Nunez, M.D. may be served with process pursuant to the *Federal Rules of Civil Procedure* at the Winston County Family Medical Clinic, 110 Beal Avenue, Lousiville, MS 39339.

3. The Defendant United States of America is the employer of Robert L. Nunez, M.D. and has claimed responsibility for his actions. The United States of America should be served with process pursuant to the *Federal Rules of Civil Procedure*. Appropriate

statutory notice has been provided to the Defendant United States of America and the appropriate agency has not filed any response during the time required. Accordingly, the Plaintiff is now authorized to file suit against the Defendant United States of America.

4. The Defendant Winston County Hospital is a healthcare facility organized and existing under the laws of the State of Mississippi, which may be served with process by service upon its Chief Executive Officer, Lee McCall, P.O. Box 967, Louisville, Mississippi 39339.

5. The Defendant B. L. Sullivan, M.D. may be served with process pursuant to the *Federal Rules of Civil Procedure* at the Winston County Hospital, 52 E. Main, Louisville, MS 39339.

JURISDICTION AND VENUE

6. This Court has jurisdiction since the United States of America is a Defendant and this Court may exercise supplemental jurisdiction over the State law claims.

FACTUAL STATEMENT

7. At all relevant times and in accordance with the federally supported Health Center's Assistance Act (FSHCAA) as amended, 224(g)-CN) of the Public Health Service Act, 42 U.S. 233(g)-CN), GMHC was an employee of the Public Health Service.

8. At all relevant times Greater Meridian Health Care (GMHC) operated a clinic in Louisville, Mississippi known as the Winston County Family Medical Clinic (WCFMC).

9. At all relevant times Dr. Robert L. Nunez was an employee of GMHC at the WCFMC.

10. At all relevant time the Claimant was a patient of Defendants.

11. On February 6, 2012, the Claimant, pursuant to the order issued by Dr. Nunez, underwent a mammogram at the WCFMC. The radiological report, a copy of which was presented to Dr. Nunez, recommended that the Claimant have a follow up mammogram in six (6) months.

12. On August 3, 2012, pursuant to the order of Dr. Nunez, the Claimant underwent a second mammogram. At that time, the radiology report, of B.L. Sullivan, M.D., which was forwarded to Dr. Nunez informed him that the study suggested that the Claimant had a breast lesion that may be malignant and that a surgical biopsy was recommended.

13. On August 27, 2013, the Claimant presented to WCFMC and Dr. Nunez where she was informed that she has nothing to worry about concerning her mammogram and that she was okay.

14. In July of 2013, Claimant was examined by another physician who ordered a surgical biopsy of Claimant's breast which revealed that her lesion was in fact malignant.

15. Subsequent medical studies revealed that Claimant's untreated breast cancer had metastasized to multiple organs, including her brain, liver and kidneys.

DUTIES & BREACHES

16. In connection with the care and treatment of the Claimant, the Defendants deviated from the applicable standards of care in regard to the evaluation diagnosis and treatment of breast cancer. Specifically, the Defendants failed to timely diagnose, treat, and followup with the Claimant, thereby causing her aggressive breast cancer to go untreated and metastasized in multiple organs, including her brain, kidneys and liver.

17. As a result of the negligence of the Defendants, the Claimant has sustained the following damages:

- (a) past, present and future pain, suffering and mental anguish,
- (b) loss of enjoyment of life;
- (c) decreased life expectancy;
- (d) disfigurement; and
- (e) past, present and future medical expenses.

18. The Claimant seeks damages in the amount of \$5,000,000.00, plus reimbursement for all medical expenses or the maximum amount allowed by the Federal Tort Claims Act, whichever is less.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff Willie Mae Hall demands judgment of and from the Defendants in an amount to be determined by the jury in this cause in excess of the minimal jurisdictional limits of this Court.

Plaintiff respectfully requests a trial by jury on all issues so triable.

Dated: This the 16th day of June, 2014.

Respectfully submitted,

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Attorneys for Plaintiff

By: _____

A handwritten signature in black ink, appearing to be "C. Winter", written over a horizontal line.